

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12706 of Wyoming Eleven Ltd. Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the floor area ratio requirements (Sub-section 3302.1), the prohibition against making an addition to a non-conforming structure which exceeds the floor area ratio (Paragraph 7107.2) and the prohibition against allowing a rear building to be converted to a dwelling on a theoretical lot which does not have the required front yard (Sub-section 7615.3) to permit an addition to an existing apartment house and conversion of an accessory building into a dwelling in the R-5-B District at the premises 1848 Wyoming Avenue, N.W., (Square 2554 Lots 43 and 66).

HEARING DATE: July 26, 1978

DECISION DATE: July 26, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of Wyoming Ave., N.W. between Columbia Road and 18th Street. It is known as 1848 Wyoming Ave., N.W. It is in an R-5-B District.

2. Lots 43 and 66 each have an area of 3,600 square feet. They are two record lots improved with two substantial structures, the larger one being a four story apartment building fronting on Wyoming Avenue and containing seventeen units and the second structure being a free standing, two story structure fronting on a fifteen foot public alley on the rear of the property. The property has a certificate of occupancy for nineteen units, eighteen of which are located in the structure fronting on Wyoming Avenue and one unit contained in the free standing rear structure which has been used for single family purposes since the mid-1940's.

3. Adjacent on the east and west of this site are row dwellings and the majority of structures in this block are row dwellings. There are, however, three larger apartment buildings on this block, the Promenade directly across from the site and two on the north side of Wyoming Avenue near 18th Street.

4. A fifteen foot wide public alley adjoins this property at the rear. Behind lots 43 and 66 are both row dwellings and apartment buildings which front on California Street. Row dwellings are the predominant building type found between Columbia Road and 18th Street, but large apartment buildings are scattered throughout the area. This property is in an R-5-B District which extends from Dupont Circle to the south up to Belmont Road which is two blocks north of this site. C-2-A zoning is found along 18th Street and R-5-C zoning extends along Columbia Road from "T" Street up to the intersection of Columbia Road and 18th Street.

5. The applicant in converting the subject property into a condominium, proposes to substantially restore the existing building, which has been vacant for approximately nine months, by providing thirteen units in the front building and continuing the unit in the rear building, but making full use of the existing floor area. Thus, the applicant's proposed restoration and renovation will reduce the number of dwelling units from eighteen to fourteen.

6. The R-5-B District allows a maximum F.A.R. of 1.8. The apartment building, which was constructed in 1905, exceeds the maximum F.A.R. by some 2,100 square feet based on single lot calculations.

7. The variances which have been requested are (1) to permit the enclosure of an interior existing light well having an area of 146 square feet which will not be visible from the exterior of the building, but will permit appropriate renovation of the units which otherwise would be interrupted by a shaft that serves no useful purpose; and (2) a variance from the front yard requirements of Section 7615 to permit the renovation and continuation of single family occupancy of the rear building. The enclosure of the light well will add approximately 585 square feet to the floor area attributable to F.A.R. The rear building does not have the required fifteen foot front yard based on theoretical lot lines. The rear building has an existing five foot front yard on the alley side and a fifteen foot rear yard.

8. The proposed renovation of the apartment building will reduce the number of units by four and permit a feasible alteration to provide livable units. Without the enclosure of the interior light well, the unit layout for two bedroom units would be seriously impaired. The enclosure will permit connection at each floor which will be used as a kitchen space and connecting link between two one-bedroom units which are then combined to form a single two-bedroom apartment unit, bringing the building into conformance with contemporary market standards for unit size. The light shaft serves no essential purpose. The available floor area in each of the two existing one-bedroom units adjacent to the light shaft is inadequate. Only by relocating the kitchen space and the connecting hallway can the living and bedroom spaces be effectively enlarged. Given the building configuration, the light well provides the only possible means of accomplishing the necessary redistribution of space.

9. There will be no enlargement of the existing structure in the rear which has been used for single family purpose since the 1940's.

10. The applicant proposes to provide seven parking spaces on the site.

11. The Municipal Planning Office, by report dated July 24, 1978, recommended conditional approval of the application. It noted that although the subject property exceeds the F.A.R. requirements of the R-5-B District as it exists today and that the applicant proposes to add approximately 585 additional square feet the number of units in the main building will be reduced from seventeen to thirteen and that the reduction in the number of units mitigates the relatively small increase in F.A.R. Concerning the carriage house, MPO stated that its use as a dwelling will not create in this instance overcrowding of land. The Board so finds. The Municipal Planning Office recommended, however, that additional open space be provided for use by occupants of the unit. Such provision could be accomplished by eliminating the one parking space which encroaches upon the rear yard of the carriage house or by including balconies, a roof deck or by other appropriate means.

12. There was no recommendation from Advisory Neighborhood Commission 1C.

13. A resident of California Street whose residence is directly across the alley from the subject carriage house objected to a fence being constructed in front of the carriage house since it would eliminate five feet from the alley that was required by him to maneuver his car to get it into his garage. The Chair advised that the applicant had a right to erect a fence on his property and the Board had no jurisdiction over the matter. A former resident of the subject apartment house raised a question of an illegal eviction. The Chair ruled that the Board had no jurisdiction over such matter.

14. There were several letters of record from neighbors in favor of the application.

CONCLUSIONS OF LAW AND OPINION:

Based upon the above Findings of Fact, the Board concludes that the property and improvements constitute an exceptional situation or condition of a specific piece of property and that the strict application of the Regulations would result in exceptional difficulties to the owners thereof. The Board further concludes that this request for area variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. The variances requested are minor in nature and necessary in order to restore and renovate the buildings into marketable units. The enclosure at four levels of the interior light well in the larger building will permit a feasible alteration to provide livable units which meet contemporary standards. Approval of this request will improve the neighborhood by permitting renovation of a badly deteriorated building, lowering the units from eighteen to fourteen units without changing the building exterior, and by providing additional off-street parking. The rear building has an existing five foot yard, which will not be affected by this proposal. The building is also surrounded by adequate open space.

It is, therefore, ORDERED that the application be GRANTED subject to the condition that the area adjacent to the small dwelling unit have an enclosed landscaped court on the north side of the structure as shown on the plans marked as sheet A-1 of Exhibit 13 in the record.

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VOTE: 5-0 (Theodore F. Mariani, Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: H. E. H.

FINAL DATE OF ORDER: 11 SEP 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING PERMIT AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.